

INTERVIEW SUMMARY RECORD

On August 24, 2005, Daphne Reddy (Reg. No. 53,507) telephoned the Examiner to discuss the submission of a Declaration by Audrey Goddard, Ph.D. after final rejection. The Examiner indicated that entry of this Declaration after final rejection would be acceptable, as the Examiner is familiar with this Declaration from other gene amplification cases.

REMARKS

Claims 124, 129-131 and 135-145 are pending and are rejected in this case. No amendments have been made to the claims.

The attached Declaration by Dr. Audrey Goddard provides a statement by an expert in the relevant art that "fold amplification" values of at least 2-fold are considered significant in the TaqMan™ PCR gene amplification assay. The issue whether the fold increase in the gene amplification assay for the PRO1097 gene was "significant" did not arise, neither in the First Office action mailed April 30, 2004 nor in the Final Office action mailed October 20, 2004, and therefore, this Declaration addressing the issue of "significance" was not, and could not have been, presented earlier. Applicants believe that presentation of the Goddard Declaration places the pending claims in this application in a better form for consideration on appeal. In addition, the Examiner is familiar with this Declaration from other related applications. Accordingly, the consideration and entry of the present Declaration after final rejection is respectfully requested.

Applicants note that they have discovered some typographical errors in the Notice of Appeal submitted on April 1, 2005. The heading of the Notice of Appeal erroneously refers to Serial No. 09/989,722 instead of the correct Serial No. 09/989,723. In addition, the attorney docket no. is erroneously indicated as 39780-2730P1C63, instead of the correct 39780-2730P1C62. Since the correct numbers appear in the rest of the documents submitted along with the Notice of Appeal, and the docket number is correct at the bottom of the Notice of Appeal, Applicants' deposit account has been properly charged, and the requested extension of time has been properly granted.

CONCLUSION

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641** (referencing Attorney's Docket No. **39780-2730 P1C62**).

Respectfully submitted,

Date: August 25, 2005

By: _____

Ginger R. Dreger (Reg. No. 33,055)

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